CDR 3/11/20 ✓

Wetlands Applications Decision Report

Decisions Taken
03/02/2020 to 03/08/2020

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or atappeals@des.nh.gov. The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

MAJOR IMPACT PROJECT

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2013-03309 **MILFORD, TOWN OF**

MILFORD OSGOOD POND

Requested Action:

Monitoring conditions added.

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Conservation Commission/Staff Comments:
US EPA review of this application found the project to be "Eligible as proposed" for the NH Programmatic General Permit

APPROVE AMENDMENT
Dredge approximately 11.5 acres of accumulated sediments from Osgood Pond, in four (4) phases, in order to restore the functions and values of a deep water habitat to the wetland system. The project will be entirely contained within the existing pond, without disturbance to the area of bordering wetland vegetation around the perimeter of the pond. The only area of disturbance to the shoreline/bank of the pond will be the access area used during construction, which will be converted to a boat launch ramp upon completion of the dredging. A 480 sq. ft. fishing pier will be installed and configured to accommodate youth and handicapped residents access.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated November 5, 2013, as received by the NH Department of Environmental Services (DES) on December 11, 2013.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.

3. NH DES Wetlands Bureau Southeast Region staff and the Milford Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

4. Before the start of construction, a site inspection shall be performed by a certified wildlife biologist to locate Blanding's Turtle, the Spotted Turtle and the Eastern Hognose Snake or identify current or past turtle nests in the project area.

5. Daily inspections shall be performed to identify presence of Blanding's Turtle, the Spotted Turtle and the Eastern Hognose Snake in all work areas including, parking areas, and equipment staging areas not enclosed by silt fence.

6. Construction personnel and future owners should be made aware of the potential to encounter Blanding's Turtle, the Spotted Turtle and the Eastern Hognose Snake especially during turtle nesting season which extends from late May through the beginning of July. If Blanding's Turtle, the Spotted Turtle and the Eastern Hognose Snake are found laying eggs in a work area, please contact Kim Tuttle or Mike Marchand, Wetlands Systems Biologist at 271-3016 for instructions.

7. Dredged material shall be placed outside of the jurisdiction of the NH DES Wetlands Bureau.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Work shall be done during drawdown in coordination with NH Fish and Game to reduce impacts to Banded Sunfish.

10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

11. Faulty equipment shall be repaired prior to entering jurisdictional areas.

12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

13. All refueling of equipment shall occur outside of surface waters or wetlands.

14. A project monitoring report, including photos taken from established photo stations, documenting each of the four (4) phases of the project shall be submitted to the Wetlands Bureau at the completion of each phase.

15. A final report at the completion of the project shall indicate all dredged depths achieved, document the condition of the perimeter shoreline vegetation and provide photos of the boat launch ramp and the fishing pier as installed.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve the alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate & (g) Removal of more than 20 cubic yards of rock, gravel, sand, mud or other material from public waters.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

4. On 12/24/2013 the NH Division of Historical Resources reviewed the project site and found "No Historic Properties Affected."

5. US EPA review of this application found the project to be "Eligible as proposed" for the NH Programmatic General Permit.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply since the permitted project is of substantial positive public interest, and will not have a significant impact on or adversely affect the values of the palustrine/lacustrine resource, as identified under RSA 482-A:1.

7. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.

8. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

9. Additional conditions have been added to the permit to protect threatened and/or endangered species known to be present in the vicinity of the project area.

2017-02335 SEABROOK DEVELOPMENT ASSOCIATES LLC

SEABROOK Unnamed Wetland

Requested Action:

Impact a total of 323,651 square feet (7.42 acres) of palustrine forested, emergent, and scrub-shrub wetland including 483 linear feet of an intermittent stream to include 254,529 square feet (5.85 acres) of permanent impact and 68,700 square feet (1.58 acres) of temporary impact for the construction of a mixed use commercial development and construction of a wildlife habitat pond.

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Inspection Date: 02/06/2018 by EBEN M LEWIS
Inspection Date: 01/31/2018 by EBEN M LEWIS
Inspection Date: 01/31/2018 by EBEN M LEWIS

APPROVE PERMIT

Impact a total of 323,651 square feet (7.42 acres) of palustrine forested, emergent, and scrub-shrub wetland including 483 linear feet of an intermittent stream to include 254,529 square feet (5.85 acres) of permanent impact and 68,700 square feet (1.58 acres) of temporary impact for the construction of a mixed use commercial development and construction of a wildlife habitat pond. Compensatory mitigation involves a one-time payment of $1,038,853 to the NHDES Aquatic Resource Mitigation (ARM) Fund in the Salmon Falls-Piscataqua River service area. An additional payment of $346,354.00 shall be made into the ARM Fund if the wildlife habitat pond creation is not successful as determined by NHDES and the US Army Corps of Engineers (ACOE).

With Conditions:

1. All work shall be in accordance with the following plans. Any changes shall be submitted to NHDES in writing and approved by NHDES prior to implementation:

a.) 'Wetland Impact Plan by Jones & Beach Engineering, Inc. dated 6/1/17 and revised through 1/18/18 as received by the NH Department of Environmental Services Land Resources Management Program (NHDES) on February 6, 2018;

b.) Plan set by Jones & Beach Engineers, Inc. dated 10/3/17 and revised through 3/20/19 as received by NHDES on February 25, 2020;

c.) 'Landscape Plan Plant Area 1-5 by Terrain Planning & Design LLC dated 1/22/18 as received by NHDES on February 25, 2020; and,

d.) The '2020 Wetland Mitigation Report' dated February 2020 by GZA GeoEnvironmental, Inc. as received by NHDES on February 14, 2020.

2. This approval is not valid until NHDES receives a one-time payment of $1,038,853 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to NHDES. If NHDES does not receive payment within 120 days of the date of this approval letter, NHDES will deny the application. An additional payment of $346,354 shall be made into the ARM Fund if the wildlife habitat pond creation is not successful as determined by NHDES and the US Army Corps of Engineers (ACOE).

3. This permit is not valid until it has been recorded with the Rockingham County Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to NHDES by certified mail, return receipt requested.

4. The permittee shall schedule a pre-construction meeting with NHDES staff to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this wetlands permit and the Alteration of Terrain permit. The meeting will be held at the NHDES offices in Portsmouth and shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

5. This permit is contingent on receiving written authorization from the NH Department of Transportation for the impacts within their right-of-way(s).

7. This permit is not valid unless an Alteration of Terrain permit is issued in accordance with RSA 485-A:17 and Env-Wq 1500 .

8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

9. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.

10. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

11. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

12. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

14. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.

16. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

17. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work site and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

18. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

19. All dredged and excavated material and construction-related debris shall be placed outside of areas subject to RSA 482-A.

20. No excavation shall be done in flowing water and no construction equipment shall be operated in flowing water.

21. Prior to commencing work located within a surface water, the permittee or permittee's contractors shall construct a cofferdam to isolate the work area from Policy Brook.

22. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

23. Work within a surface water, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during events until low flow conditions have returned.

24. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

25. Any work performed to 'Benny's' shall be done only under drawn down conditions. Any fish and/or amphibian species relocated from the pond shall by documented, including but not limited to, species and size. NHDES shall be provided the list of relocated species within 7-days following the completion of draw down. The relocation shall be supervised by a Certified Wildlife Biologist.

26. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

27. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

28. Proper headwalls shall be constructed over the ends of the upgraded culverts within seven days of culvert installation.

29. Any fill used shall be clean sand, gravel, rock, or other suitable material.

30. Precautions shall be taken to prevent the import or transport of soil or seed stock containing nuisance, invasive plant species such as Purple Loosestrife (Lythrum salicaria), Knotweed (Fallopia japonica), or common reed (Phragmites australis). The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

31. At least 68,700 square feet of palustrine emergent/aquatic and scrub shrub wetlands of Benny's Pond shall be constructed, monitored and managed in accordance with the plans and details as approved by NHDES in accordance with condition 1 above.

32. The permit is contingent on permittee providing start dates for NHDES to review and approve wetland construction project to commence, dates for completion of plantings and dates for the site to be finalized.

33. The permit is contingent on the permittee providing dates for NHDES to review and approve for submittal of post construction monitoring report.

34. The permit is contingent on NHDES and ACOE approval of a permittee developed monitoring plan that establishes performance standards for the stream and wetland construction project.

35. All construction activities, including the wetland construction, shall be carried out and supervised by qualified professionals. The permittee shall notify NHDES of the name and contact information of the qualified professional(s) and shall re-notify NHDES of any changes of qualified professional(s).

36. The qualified professional(s) shall supervise the construction activities to ensure that the work is accomplished pursuant to this approval.

37. Siltation, erosion, and turbidity control management measures, practices and devices shall be in place prior to construction, shall be maintained during construction so as to reduce erosion and retain sediment on-site during and after construction and ensure continued effectiveness and remain in place until all disturbed surfaces are stabilized

38. All steps shall be taken during the stream and wetland habitat improvement work that are necessary to ensure that no water quality violations occur.

39. Within three days following the last activity in the stream and wetland area or where activities are suspended for more than three days, all soils exposed by construction activities shall be stabilized by seeding and mulching, or through erosion control blankets as necessary, with review and approval by NHDES.

40. Wetland soils from areas vegetated with the invasive plant species identified in Condition 30 shall not be used in the wetland construction site.

41. The invasive plant species shall be controlled by measures approved by NHDES if the species is found in the construction areas during construction and during the early stages of vegetative establishment.

42. The habitat improvement shall not be considered successful if sites are newly invaded by invasive plant species during the first full growing season following the completion of construction. The applicant shall work with NHDES to attempt to eradicate nuisance species found in the restoration area during this same period.

43. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.

44. The qualified professional(s) shall inspect the construction areas and submit a monitoring report to NHDES after a rain event of 1/2 inch or greater within a 24 hour period during restoration activities. The monitoring reports shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, construction activities and status of construction at time of initial monitoring report. Photographs should depict all stages of construction sequencing.

45. Wetland areas shall have at least 75% successful establishment of hydrophytic vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is established to the satisfaction of NHDES and ACOE.

46. A post-construction report, prepared by a Certified Wetland Scientist, documenting status of the wetland construction areas, including photographs of all stages of construction from designated photo stations and an as-built plan, shall be submitted to the NHDES within 60 days of the completion of construction. The post construction report shall note the area of the wetland construction areas.

47. Subsequent monitoring reports, prepared by a qualified professional, shall be submitted to NHDES by June 1, 2021, June 1, 2022, June 1, 2023, June 1, 2024, and June 1, 2025 to document the success of the construction and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES, the ACOE, and Seabrook Conservation Commission with narrative description, photographs, from predetermined photo stations, demonstrating the conditions on the site, a summary on vegetative success, any necessary remedial actions to improve plant establishment, flood storage capacity, and a schedule for completing the remedial actions and conducting follow up inspections.

48. Remedial actions may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, changing the stream geometric contours, or hydraulic regime.

49. Upon being notified by the qualified professional who is monitoring the project that the wetland area have not met the performance standards after the second growing season, the permittee shall submit to NHDES an in lieu mitigation payment to compensate for the portions of the project that failed to meet the performance standards.

With Findings:

1. This is a major impact project per Administrative Rules Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

4. All impervious surfaces will be treated by stormwater management systems as permitted by Alteration of Terrain Permit AOT-1618 issued by NHDES on June 11, 2019.

5. Based on the facts, findings and conditions of the Water Quality Certification (WQC) WQC # 2018-4041-002 in Section 401 of the United States Clean Water Act (33 U.S.C. 1341) and RSA 485-A: 12, NHDES has determined that there is reasonable assurance that construction and operation of the Activity will not violate surface water quality standards.

6. In accordance with Env-Wt 803.09, NHDES finds there is added value to the functions and values of surface waters on the site through creation of the wildlife habitat pond creation. The work is considered habitat improvement for Mary's Brook, Mary's Pond, Cains Pond, and Cains Brook.

7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

8. The payment calculated for the proposed wetland loss equals $1,038,853.

9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

10. The payment into the ARM fund shall be deposited in the DES fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29.

11. In accordance with Env-Wt 807.03, if the wetland habitat improvement project does not achieve its objectives, after review by NHDES and the ACOE on an annual basis, the permittee shall be required to submit an in lieu payment to mitigate for the portions of the project that fail to meet the performance standards. The payment amount will be determined by NHDES, ACOE and EPA.

12. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB17-1545 stating, "We currently have no recorded occurrences for sensitive species near this project area."

13. NH Division of Historical Resources found "No Historic Properties Affected."

14. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resources, as identified under RSA 482-A:1.

2019-03287 LINDT & SPRUNGLI INC

STRATHAM Unnamed Wetland

Requested Action:

Dredge and fill a total of 89,081 square feet of the wetlands to include 80,120 square feet of forested wetland and 6,048 square feet of emergent wetland (2,913 square feet of temporary impact) for the expansion of vehicle parking, upgrading the drainage structures of the entrance, and widening of the entrance. Compensatory mitigation includes a one-time payment of $372,563.680 to the Aquatic Resource Mitigation Fund.

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APPROVE AMENDMENT
Dredge and fill a total of 89,081 square feet of the wetlands to include 80,120 square feet of forested wetland and 6,048 square feet of emergent wetland (2,913 square feet of temporary impact) for the expansion of vehicle parking, upgrading the drainage structures of the entrance, and widening of the entrance. Compensatory mitigation includes a one-time payment of $372,563.680 to the Aquatic Resource Mitigation Fund.

With Conditions:

1. All work shall be in accordance with plans by AECOM dated 10/09/19 and revised through 1/17/20 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on January 23, 2020.

2. This approval is not valid until NHDES receives a one-time payment of $372,563.68 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to NHDES. If NHDES does not receive payment within 120 days of the date of this approval letter, NHDES will deny the application.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

5. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

6. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A .

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. Snow shall be stored/stockpiled out of DES jurisdiction.

9. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

10. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

11. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

12. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:

1. On January 24, 2017, NHDES approved Wetlands Permit 2016-01701 to: Dredge and fill a total of 20,327 square feet of the wetlands to include 16,440 square feet of forested wetland and 3,887 square feet of emergent wetland for the expansion of the existing parking lot, upgrading the drainage structures of the entrance, and widening of the entrance. Compensatory mitigation includes a one-time payment of $102,828.70 to the Aquatic Resource Mitigation ("ARM") Fund.

2. The previously-approved project had not been completed although NHDES received the NHDES received the ARM Fund payment of $102,828.70 on April 17, 2017.

3. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Impacts have been reduced by 11,047 square feet by utilizing a retaining wall around the south parking lot.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

6. The application included NH Natural Heritage Bureau (NHB) Letter NHB19-2391 stating, "We currently have no recorded occurrences for sensitive species near this project area."

7. The NH Division of Historical Resources has reviewed the project and found "No Historic Properties Affected."

8. In correspondence dated November 13, 2019, the US Environmental Protection Agency found that the project is eligible, as proposed, for the NH Programmatic General Permit.

9. NHDES received comments from the Stratham Conservation Commission (SCC) on November 1, 2019.

10. On December 31, 2019, NHDES sent a Request for More Information (RFMI) to the applicant requesting, in summary: responding to the comments raised by the SCC and provide evidence the impacts have been avoided and minimized pursuant to Env-Wt 302.03(a).

11. The applicant's agent provided a response to the RFMI on January 23, 2020. NHDES finds the applicant has addressed concerns raised by SCC.

12. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

13. The payment calculated for the proposed wetland loss equals $372,563.68 minus the $102,828.70 previously paid under Wetlands Permit 2016-01701.

14. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

15. The payment into the ARM fund shall be deposited in the DES fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29.

16. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2019-03602 BATES, MICHAEL/REBECCA

STRATHAM EXETER SQUAMSCOTT RIVER

Requested Action:

Impact 112 square feet within the 100-foot undeveloped tidal buffer zone to install a foundation drain existing from the dwelling.

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APPROVE PERMIT
Impact 112 square feet within the 100-foot undeveloped tidal buffer zone to install a foundation drain existing from the

dwelling.

With Conditions:

1. All work shall be in accordance with plans by Emanuel Engineering dated October 14, 2019 and revised through January 30, 2020 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on February 24, 2020.

2. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify NHDES and the Stratham Conservation Commission in writing of the date on which work under this permit is expected to start.

3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

4. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

5. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

7. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

8. Native vegetation within an area of at least 24,350 square feet of the Natural Woodland Buffer located between 50 feet and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b)

(2).

9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

12. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

13. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

15. A post-construction report , prepared by a Certified Wetland Scientist or Qualified Professional, as applicable, documenting status of the project area and restored jurisdictional area or buffer, including photographs, shall be submitted to NHDES within 60 days of the completion of construction. NHDES may require subsequent monitoring and corrective measures if DES deemed the area inadequately stabilized or restored.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(b) Projects within 100 feet of the highest observable tide line that alter any bank, flat, wetlands, surface water, or undeveloped uplands, except for repair of existing structures pursuant to Env-Wt 303.04(v).

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.

4. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-3375 stating, "[i]t was determined, that although there was a NHB record [...] present in the vicinity, we do not expect that it will be impacted by the proposed project.

5. On January 3, 2020, NHDES issued a Request for More Information (RFMI) to the application. In summary, the RFMI requested a clarification of the project and to address concerns raised by the Exeter-Squamscott River Local Advisory Committee (ESRLAC).

6. NHDES received a response to the RFMI on February 28, 2020 satisfying the requests of NHDES and ESRLAC.

7. The Stratham Conservation Commission did not submit comments on the application.

8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine, marine, and estuarine resources, as identified under RSA 482-A:1.

2019-03774 NH DEPT OF TRANSPORTATION

HINSDALE CONNECTICUT RIVER

Requested Action:

Dredge and fill a total of 112,461 square feet (SF) [15,831 SF/490 linear feet (LF) of permanent impact and 96,630 SF/177 LF of temporary impact] within palustrine forested and emergent wetlands, the bed and banks of the Connecticut River (Tier 3), and an unnamed stream to construct a new bridge along NH Route 119, and make improvements to an existing boat launch off Prospect Street. Compensatory Mitigation includes a one-time payment to the Aquatic Resource Mitigation (ARM) fund of $152,260.88 within the Lower Connecticut River watershed.

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APPROVE PERMIT
Dredge and fill a total of 112,461 square feet (SF) [15,831 SF/490 linear feet (LF) of permanent impact and 96,630 SF/177 LF of temporary impact] within palustrine forested and emergent wetlands, the bed and banks of the Connecticut River (Tier 3), and an unnamed stream to construct a new bridge along NH Route 119, and make improvements to an existing boat launch off Prospect Street. Compensatory Mitigation includes a one-time payment to the Aquatic Resource Mitigation (ARM) fund of $152,260.88 within the Lower Connecticut River watershed.

With Conditions:

1. All work shall be in accordance with plan sheets for A004(152), N.H. Project No. 12210C, NH Route 119-VT Route 142, Brattleboro Road-Vernon Street prepared by the Department of Transportation as received by the Department on December 9, 2019.

2. This approval is not valid until NHDES receives a one-time payment of $152,260.88 to the NHDES Aquatic Resource Mitigation (ARM) Fund. If NHDES does not receive payment within 120 days of the date of this approval letter, NHDES will deny the application.

3. This permit is not valid until the applicant/owner obtains construction easements on abutting parcels or written permission from abutting property owners if work is beyond the ROW. The permittee shall submit a copy of each recorded easement to the NHDES Wetlands Bureau prior to construction.

4. Not less than five (5) state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is

expected to start.

5. The Contractor will be required to construct temporary trestle to avoid driving any piles within the mapped rare plant population, and the trestle finger needed at Pier 4 will be constructed on the west side of the pier to avoid the rare plant population.

6. To minimize impacts to spawning American shad between May 1 and June 16, pile driving operations shall not occur from both the NH side and the VT side of the river at the same time unless there is at least 600 feet between the operations, and pile driving must take place during daylight hours.

7. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

8. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

9. Work shall be done during low flow.

10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

12. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. The use of welded plastic or 'biodegradable plastic' erosion control netting should be avoided at the work site. Any slope stabilizing materials must be free from plastic or other non-biodegradable materials that create a mesh that can impact wildlife. Coco matting and other natural fibers are acceptable.

14. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.

15. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

16. Floating turbidity curtains or other appropriate sediment control measures will be utilized to minimize turbidity in the river.

17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

18. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Oriental Bittersweet, Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).

19. Areas of temporary impact shall be regraded and revegetated to restore pre-existing wetland conditions immediately following construction activities.

20. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

21. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

22. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

24. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.

With Findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.02(p), Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).

2. The existing NH Route 119 crossing consists of an intersection with VT Routes 142/5, an approach roadway in Brattleboro, the Anna Hunt Marsh Bridge over the western channel of the Connecticut River, and then an approach- roadway in Hinsdale. The existing bridge structures were originally constructed in 1920 and rehabilitated in 2003. Both existing bridges are considered to be seriously deteriorated and structurally deficient due to river scouring at the footings, concrete spalling on the abutments and piers, and corrosion to the structural framing. The structures are functionally obsolete and will be retained for pedestrian and bicycle use.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03. An Environmental Assessment was completed for this project in 2013, at which time ten different design alternatives were analyzed with input from local and State agencies, Regional Planning Commission, and federal agencies. After review and coordination, a new offline, downstream bridge was selected as the preferred alternative. The project stormwater Best Management Practices have been designed to treat runoff from approximately 1.9 times the amount of impervious area than is being added. There are currently no treatment areas in the vicinity of the project.

4. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The contributing watershed to the Connecticut River crossing location is 6,220 square miles (Tier 3). The applicant has addressed Env-Wt 904.05 and designed the Tier 3 crossing to accommodate an entrenchment ration of 1.2 and span the entire width of the river. The Tier 1 intermittent stream crossing has been designed in accordance with Env-Wt 904.02. The applicant has completed a hydrologic and hydraulic analysis dated May 9, 2019 and determined the slight increase in the base flood elevation is not expected to result in any significant change in the mapped flood hazard zones and no impact on abutters is anticipated. The NHDOT has coordinated with Federal and State floodplain managers.

6. The NH Natural Heritage Bureau, NHB Datacheck Results Letter (NHB19-0171) dated February 8, 2019 identified multiple plant and vertebrate species in the vicinity of the project area. The applicant has coordinated potential impacts to species of concern with NH Natural Heritage Bureau, NH Fish & Game, the NOAA Greater Fisheries Office, and US Fish & Wildlife Service.

7. The US Department of Homeland Security, United States Coast Guard has reviewed the project and determined this project will not require a bridge permit, with stipulations, per letter dated January 26, 2005.

8. In accordance with Env-Wt 904.04(g)the applicant has provided plans for a tier 3 stream crossing that have been stamped by a professional engineer who is licensed under RSA 310-A to practice in New Hampshire.

9. The Wantastiquet Region River Subcommittee of the Connecticut River Joint Commissions has provided comments regarding the proposed project (Hinsdale-Brattleboro, 12210C) per letter dated January 8, 2020. The applicant has provided a response to the Wantastiquet Region River Subcommittee comments per letter dated January 30, 2020.

10. This approval is contingent on receipt by DES of a one-time payment of $152,260.88 dollars into the Aquatic Resource Mitigation Fund ("ARM"). The payment shall be received by DES within 120 days of the date of the approval letter or the

application will be denied.

MINOR IMPACT PROJECT
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2019-01545 PORAT, THOMAS

GREENLAND GREAT BAY

Requested Action:

Impact a total of 6,333 square feet within the previously-developed 100-foot tidal buffer zone to include 3,788 square feet of permanent impact and 2,545 square feet of temporary impact for the redevelopment of the site to include: replacing the existing septic system, demolishing a portion of the existing dwelling to construction an addition, stabilize an eroding bank with boulders, replace an existing staircase leading down to, and repair of, an existing concrete patio.

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Impact a total of 6,333 square feet within the previously-developed 100-foot tidal buffer zone to include 3,788 square feet of permanent impact and 2,545 square feet of temporary impact for the redevelopment of the site to include: replacing the existing septic system, demolishing a portion of the existing dwelling to construction an addition, stabilize an eroding bank with boulders, replace an existing staircase leading down to, and repair of, an existing concrete patio.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 11/21/18 and revised through 2/11/20 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on February 14, 2020.

2. This permit is not valid and effective until it has been recorded with the Rockingham County Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to NHDES by certified mail, return receipt requested.

3. This permit is not valid unless a septic system construction approval is received in accordance with RSA 485-A:29-44 and Env-Wq 1000.

4. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the local Greenland Conservation Commission in writing of the date on which work under this permit is expected to start.

5. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.

6. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

7. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

8. Work on the shore for bank stabilization and patio replacement shall be done during periods of low tide only, unless the entire structure is located above the highest observable tide line.

9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

11. No concrete is to be used anywhere in the construction of the stone riprap revetment. All stone shall be dry laid or placed stone underlain with filter fabric.

12. Any stone used in the construction or repair of a seawall or revetment shall be of suitable size and weight to assure that the structure is stable and will withstand ocean storm wave energy anticipated at this location..

13. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

14. No more than 28.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

16. Erosion control products shall be installed per manufacturers recommended specifications.

17. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

18. Any fill used shall be clean sand, gravel, rock, or other suitable material.

19. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

20. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

21. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or

surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a) Projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c) Requirements for Application Evaluation, has been considered in the design of the project.

4. NHDES inspected the property on July 18, 2019 and found the site conditions are accurately reflected on the proposed plans.

5. The application included NH Natural Heritage Bureau (NHB) NHB Datacheck Results Letter NHB18-3757 identifying natural communities and the State-threatened plant species, marsh elder (Iva frutescens), in the vicinity of the project.

6. NHB inspected the property on July 18, 2019 and confirmed marsh elder is not present on the property.

7. No comments were received from the Greenland Conservation Commission on the application.

2019-03481 JAMES GRAY REVOCABLE TRUST

MOULTONBOROUGH LAKE WINNIPESAUKEE

Requested Action:

Permanently remove two 6 foot x 30 foot piling piers, a 4 foot x 12 foot connecting walkway, two ice clusters, and 3 foot wide stairs in the bank, construct 4 foot wide stairs over the bank and two 4 foot x 31 foot piling piers and a 3 foot x 31 foot piling

pier connected by a 6 foot x 35 foot wharf in a "W" configuration with an additional 4 foot x 10 foot wharf extending to the east an another of the same dimensions to the west, install three ice clusters and two 15 foot x 30 foot seasonal canopies, remove rocks from 36 square feet of lakebed for access, and impact 820 square feet of bank along 42 feet of shoreline to construct a 35 foot x 9 foot perched beach with 6 foot wide steps to the water on an average of 281 feet of frontage along Lake Winnipesaukee in Moultonborough.

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APPROVE PERMIT
Permanently remove two 6 foot x 30 foot piling piers, a 4 foot x 12 foot connecting walkway, two ice clusters, and 3 foot wide stairs in the bank, construct 4 foot wide stairs over the bank and two 4 foot x 31 foot piling piers and a 3 foot x 31 foot piling pier connected by a 6 foot x 35 foot wharf in a "W" configuration with an additional 4 foot x 10 foot wharf extending to the east an another of the same dimensions to the west, install three ice clusters and two 15 foot x 30 foot seasonal canopies, remove rocks from 36 square feet of lakebed for access, and impact 820 square feet of bank along 42 feet of shoreline to construct a 35 foot x 9 foot perched beach with 6 foot wide steps to the water on an average of 281 feet of frontage along Lake Winnipesaukee in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc. dated October 23, 2019, and revised through February 18, 2020, as received by NHDES on February 19, 2020.

2. This permit does not authorize 250 square feet of bank impacts for the construction of a path from the proposed docking structures to the proposed beach.

3. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.

4. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.

5. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.

7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

9. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.

12. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.

13. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.

14. No portion of the piers shall extend more than 37 feet from the shoreline at full lake elevation (Elev. 504.32).

15. The canopies, including the support frames and covers, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopies shall be removed for the non-boating season.

16. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elevation 504.32). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.

17. The steps installed for access to the water shall be located completely landward of the normal high water line.

18. No more than 10 cubic yards of sand shall be used and all sand shall be located above the normal high water line.

19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

21. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of docking structures providing 4 slips.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

4. The applicant has an average of 281 feet of shoreline frontage along Lake Winnipesaukee.

5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2019-03499 CITY OF DOVER

DOVER BELLAMY RIVER

Requested Action:

Dredge and fill 1,440 square feet of bed and bank (impacting 64 linear feet of bank) along the Bellamy River in order to install a monitoring well and intake structure associated with the artificial recharge facility of the Pudding Hill Aquifer in Dover. In addition, temporarily impact 510 square feet of bed and bank (impacting 16 linear feet of bank) for temporary water diversion, construction access and installation.

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APPROVE PERMIT

Dredge and fill 1,440 square feet of bed and bank (impacting 64 linear feet of bank) along the Bellamy River in order to install a monitoring well and intake structure associated with the artificial recharge facility of the Pudding Hill Aquifer in Dover. In addition, temporarily impact 510 square feet of bed and bank (impacting 16 linear feet of bank) for temporary water diversion, construction access and installation.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers and Headwaters Hydrology PLLC, titled Water Facilities Improvements - Bellamy Recharge Facility dated February 2020, revised through February 06, 2020, as received by the New Hampshire Department of Environmental Services (NHDES) on February 10, 2020.

2. This permit is not valid until the permittee or permittee's contractors submit a final dewatering and diversion plan to NHDES for review and written approval. The plan shall include all proposed cofferdams, diversion and dewatering strategies. This plan shall be stamped by a licensed Professional Engineer (PE), in accordance with New Hampshire Administrative Rule Env-Wt 303.04(l).

3. The owner shall maintain compliance with all requirements established by the NHDES Watershed Management Bureau during the completion of this project.

4. The permittee/permittee's contractor shall use only biodegradable, wildlife-friendly, erosion control netting not to include materials comprised of welded plastic or "biodegradable plastic".

5. Prior to the start of construction, all on-site personnel shall be made aware of the potential to encounter protected snake species.

6. The project monitor shall provide guidance on protocols for identification of protected snake species. The attached flyer entitled "Seeking Reports of Rare Snakes - Black Racer" should be distributed to all on-site personnel and posted in a prominent location.

7. If protected snakes are found in a work area, or other rare or endangered wildlife species are encountered, the encounter shall be documented and the New Hampshire Fish and Game Department (NHFG) Nongame and Endangered Wildlife Program shall be immediately contacted via Melissa Doperalski at 603-271-1738 (melissa.doperalski@wildlife.nh.gov) or Brendan Clifford at 603-271-0463 (Brendan.Clifford@wildlife.nh.gov).

8. Work shall be done during low flow and in the dry only. No machinery shall enter the water. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. Native material removed from the streambed shall be stockpiled separately and reused to emulate a natural channel bottom within the channel, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable.

11. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).

12. To prevent the introduction or export of invasive plant species to and from the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to or from the site.

13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.

14. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

16. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

17. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

19. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

20. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

MONITORING:

24. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

25. The permittee or permittee's contractor shall properly construct, landscape, and monitor the restored stream bank areas, and shall take such remedial actions as may be necessary to create functioning bank areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth and/or changing the slope of the bank.

26. Temporary impact areas along the stream bank shall have at least 75% successful establishment of native stream buffer vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional stream buffer is replicated in a manner satisfactory to the NHDES Wetlands Bureau.

27. Restoration of temporary impact areas shall not be considered successful if sites are invaded by nuisance species during the first full growing season following the completion of construction. The permittee shall submit a remediation plan to NHDES that proposes measures to be taken to eradicate nuisance species during this same period.

28. The certified wetlands scientist or qualified professional monitoring the project shall submit annual reports by January 30th following each of two full growing seasons, post-construction, to the NHDES Wetlands Bureau (Stefanie.Giallongo@des.nh.gov).

With Findings:

1. This is a Minor Project per New Hampshire Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet of bank.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.

3. The concrete intake structure has been sited to set back into the bank, with wing-walls on either side that mimic the natural slope and alignment of the up and downstream banks. Temporary impacts on either side of the installation will be restored with biodegradable erosion control materials and native live stakes and plantings.

4. Design of the intake structure flow rate and grate sizing has incorporated recommendation from New Hampshire Fish and Game Department to accommodate fish.

5. Design of the intake structure has also incorporated recommendation from the NHDES Watershed Management Bureau, to establish near-continuous monitoring of stream gage, transmitting data to the pump station, which will have an automatic shut off mechanism to prevent over withdrawing the stream; protecting estivating organisms in the vicinity and preventing unnecessary withdrawal based on the groundwater mound elevation.

6. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

7. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB17-3348) identified potential impacts threatened or endangered wildlife species.

8. In correspondence dated December 20, 2019 and January 02, 2020, the New Hampshire Fish & Game Department stated that with certain design revisions and conditions incorporated into this permit decision, there were no further comments to address potential impact to threatened or endangered species.

9. Pre-application meetings and discussions were held between the applicant and NHDES Wetlands Bureau staff on March 23, 2018. Meeting notes are available in the NHDES file 2019-03499.

10. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

11. In accordance with New Hampshire Administrative Rule Env-Wt 304.04 and in correspondence dated April 19, 2018, signed authorization was obtained from the abutting land owner to which the project will impact within 20 feet of their property.

12. In correspondence dated November 18, 2019, the City of Dover Conservation Commission stated their recommendation to approve the project, as proposed.

13. In correspondence with NH Division of Historical Resource dated April 17, 2017, it was determined that there will be no impact to historical resources as a result of this project.

14. In accordance with New Hampshire Administrative Rule Env-Wt 302.03(c)(2)b., compensatory mitigation is not required.

2019-03760 HOLLEMAN, CHAD M/HEATHER A

DOVER BELLAMY RIVER

Requested Action:

Impact a total of 9,790 square feet (SF), including 5,462 SF permanent and 4,328 SF temporary, within the previously-developed upland tidal buffer zone to demolish an existing single-family residence and associated accessory structures and construct a new single family residence, accessory dwelling unit, pervious driveways, pervious walkways and stormwater management structures.

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APPROVE PERMIT
Impact a total of 9,790 square feet (SF), including 5,462 SF permanent and 4,328 SF temporary, within the previously-developed upland tidal buffer zone to demolish an existing single-family residence and associated accessory structures and construct a new single family residence, accessory dwelling unit, pervious driveways, pervious walkways and stormwater management structures.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc., dated August 2019, and revised through February 10, 2020, last received by the NH Department of Environmental Services (NHDES) on February 11, 2020.

2. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES

Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.

3. All impacts are to occur landward of the highest observable tide line and within the previously developed upland tidal buffer zone.

4. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

5. No more than 21.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

14. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V. (a)(2)(D)(iv).

15. Any further alteration of areas on this property that are within the jurisdiction of the NHDES Wetlands/Shoreland Bureau will require further permitting by the Bureau.

16. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of New Hampshire Code of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

17. No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant, which includes all of their cultivars and varieties listed in Table 3800.1 of the New Hampshire prohibited invasive species list (Agr 3802.01).

18. To prevent the import or export of invasive plant species to and from the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to or from the site.

19. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

20. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

With Findings:

1. This is a Minor Project per New Hampshire Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of New Hampshire Administrative Rule Env-Wt 303.02.

2. All impacts are to occur landward of the highest observable tide line and within the previously developed upland tidal buffer zone.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.

4. In accordance with RSA 483-B, the Shoreland Water Quality Protection Act, there will be at least 1,916 square feet designated as unaltered area.

5. The project will result in a net decrease of approximately 8.3% of impervious surface area on the property. Stormwater management features have been incorporated into the design, including: stone infiltration drip aprons and pervious driveways and walkways.

6. The applicant has demonstrated by plan and example that each factor listed in administrative rule Env-Wt 302.04(a)(c) Requirements for Application Evaluation, has been considered in the design of the project.

7. The New Hampshire Natural Heritage Bureau (NHB) report submitted with the application package (NHB19-3248) stated that although there was a record in the vicinity, there is no expected impact to it by the proposed project.

8. No comments of concern were received by NHDES from abutters or local governing organizations.

9. A NHDES Shoreland permit, 2020-171, has been obtained for impacts associated with construction of a deck which is exempt under RSA 482-A.

10. In correspondence dated February 18, 2020, the City of Dover Conservation Commission voted to endorse the NHDES Wetlands Permit application.

11. The applicant received written concurrence for work within 20 feet to abutters Fogg (Tax Map L/Lot 13-0) and Sears (Tax Map L/Lot 10-0).

12. In correspondence dated February 10, 2020, the applicant's agent requested a waiver from NHDES to New Hampshire Administrative Rule Env-Wt 304.04(a) Setback from Property Lines. The proposed work within 20 feet of the shared boundary with Charleston (Tax Map L/Lot 12-0) consist of installation of a pervious paver driveway and minimal site grading.

13. Reasonable attempt was made to obtain authorization from the abutting property owner and NHDES finds that granting this waiver will not result in an adverse effect to the environment or the natural resources of the state, public health or public safety; or have an impact on abutting properties that is more significant than that which would result from complying with the rule.

2020-00076 MILLIS, KATHRYN

HOPKINTON ROLF POND

Requested Action:

Install two 6 foot x 26 foot seasonal piers connected by a 6 foot x 10 foot seasonal walkway in a "U" configuration and accessed by a 6 foot x 30 foot seasonal walkway, temporarily impact 575 square feet of bank in order to replace 100 linear feet of failed retaining wall with a combination of native vegetation and rock on 450 feet of frontage along Rolf Pond in Hopkinton.

****

APPROVE PERMIT
Install two 6 foot x 26 foot seasonal piers connected by a 6 foot x 10 foot seasonal walkway in a "U" configuration and accessed by a 6 foot x 30 foot seasonal walkway, temporarily impact 575 square feet of bank in order to replace 100 linear

feet of failed retaining wall with a combination of native vegetation and rock on 450 feet of frontage along Rolf Pond in Hopkinton.

With Conditions:

1. All work shall be done in accordance with plans dated January 5, 2020, as received by the NH Department of Environmental Services (NHDES) on January 14, 2020 as required pursuant to Env-Wt 307.16.

2. This permit shall not be effective until it has been recorded in the Merrimack County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.

3. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required pursuant to Env-Wt 314.02.

4. All docking facilities shall be at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.

5. No portion of the pier shall extend more than 56 feet from the shoreline at full lake elevation (Elevation 452.40) as required pursuant to Env-Wt 513.22(a).

6. The seasonal dock shall be installed after ice-out and removed prior to ice-in accordance with Env-Wt 513.22(b)(1).

7. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).

8. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

9. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).

10. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and shall be methods shall be removed upon completion of work and the effective restabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).

11. In accordance with Env-Wt 514.05(c), bank/shoreline stabilization areas shall have at least 75% successful establishment of vegetation after 2 growing seasons; or shall be replanted and re-established until a functional lacustrine, wetland, or riparian system has been reestablished in accordance with the approved plans.

12. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

13. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas and such that there are no discharges in or to fish or shellfish spawning or nursery areas during spawning seasons as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year

14. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.

15. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

16. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

1. The project is classified as a minor impact per Rule Env-Wt 514.07(b)(3), as the project will impact between 50 or more linear feet (LF) to less than 200 LF in length of shoreline and per Rule Env-Wt 513.25(b), construction of a docking structure that provides no more than 3 boat slips, including previously existing boat slips.

2. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

MINIMUM IMPACT PROJECT

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2015-02195 **150 GREENLEAF AVENUE REALTY TRUST**

PORTSMOUTH

Requested Action:

Fill 2,900 square feet of palustrine forested wetland for commercial lot development.

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APPROVE PERMIT
Fill 2,900 square feet of palustrine forested wetland for commercial lot development.

With Conditions:

1. All work shall be in accordance with plans by Emanuel Engineering dated December 16, 2016 as received by the NH Department of Environmental Services (NHDES) on February 12, 2020.

2. Work shall comply with the amended consent decree dated February 28, 2020 and granted March 2, 2020 entered by the Rockingham County Superior Court in the matter of State of New Hampshire Department of Environmental Services v. James Boyle, Individually and as Trustee 150 Greenleaf Avenue Trust. Docket No. 2012-CV-00015.

3. This permit is not valid and effective until it has been recorded with the Rockingham County Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.

4. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

5. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.

6. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.

7. Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the limits of construction to prevent unintentional encroachment on wetlands.

8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.

9. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.

10. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

11. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

12. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

16. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

17. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.

18. The permittee shall control invasive plant species such as Purple loosestrife (Lythrum salicaria) and Common reed (Phragmites) by measures agreed upon by the NHDES Wetlands Program if any such species is found in the stabilization areas during construction or during the early stages of vegetative establishment.

With Findings:

1. This is a Minimum Impact Project per New Hampshire Administrative Rule Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows.

2. The development of this property was litigated through the Rockingham County Superior Court in the matter of State of New Hampshire Department of Environmental Services v. James Boyle, Individually and as Trustee 150 Greenleaf Avenue Trust. Docket No. 2012-CV-00015. An amended consent decree dated February 28, 2020 was granted on March 2, 2020.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Natural Heritage Bureau (NHB) report submitted with the application stated that although there was a NHB record present in the vicinity, NHB does not expect that it will be impacted by the project.

6. In correspondence dated October 19, 2015, The Portsmouth Conservation Commission voted to not make a recommendation for or against, but offered guidance to NHDES related to invasive species management, review of the snow removal and storage plan, stormwater plan, erosion controls, and minimize impacts to vegetation. These issues are incorporated and addressed in the project specific conditions of approval.

2019-02677 **HAMPSTEAD, TOWN OF**

HAMPSTEAD

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2019-03334 **TRUSTEES OF DARTMOUTH COLLEGE**

LEBANON

Requested Action:

Dredge and fill 2,390 square feet within palustrine forested and palustrine emergent wetlands to construct a storage facility. Temporarily impact 605 square feet within wetlands for construction access and sediment controls.

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Conservation Commission/Staff Comments:
12/10/2019 (SAD): Press inquiry on file.

APPROVE PERMIT
Dredge and fill 2,390 square feet within palustrine forested and palustrine emergent wetlands to construct a storage facility. Temporarily impact 605 square feet within wetlands for construction access and sediment controls.

With Conditions:

1. All work shall be in accordance with the plan set by Rist-Frost-Shumway Engineering, P.C., with Sheet 1 dated September 13, 2019, received by NHDES December 6, 2019; Sheet 2 dated October 1, 2019, as revised December 16, 2019 and received by NHDES February 3, 2020; and the Site Landscape Plan by Site Architecture dated October 4, 2019, as revised January 27, 2020 and received by NHDES on February 3, 2020.

2. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program (Attn: Seta Detzel) and the local conservation commission in writing of the date on which work under this permit is expected to start.

3. This permit is contingent upon the establishment of 3,000 square feet of wetland creation as depicted on the Site Landscape Plan.

4. Precautions shall be taken to prevent the import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).

5. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 30 days of final site stabilization.

6. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

7. Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the limits of construction to prevent unintentional encroachment on wetlands.

8. Work shall be done during low flow or in the dry.

9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

11. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

13. Filter fabric shall be installed under the riprap.

14. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

15. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

16. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

17. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

18. Proper headwalls shall be constructed within seven days of culvert installation.

19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

20. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Areas of temporary impact shall be regraded to original contours following completion of work.

22. Mulch used within the wetland restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.

23. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

With Findings:

1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04(f), for alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03. The project will be developed primarily within existing impervious area, which exists as a paved parking lot. The total impact area has been reduced from 3,855 square feet to 2,995 square feet to accommodate fill slopes for the building pad and secondary fire access to the site. Fill slopes have been designed as 1:1 (H:V) slopes to reduce wetland impacts. The applicant has provided documentation from the Lebanon Fire Department to show that the 26-foot-wide fire access road is required. Grassed swales and dripline infiltration trenches have been incorporated into the design to infiltrate runoff prior to discharging to wetlands. Additionally, the project includes 3,000 square feet of on-site wetland creation.

3. On November 14, 2019, the Lebanon Conservation Commission moved to not recommend the application, citing the city's "no net loss" wetlands policy and concerns regarding stormwater management. The applicant has addressed the concerns by reducing the total impact area and providing a wetland creation and landscape plan.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. An NHDES Alteration of Terrain permit was determined not to be required as the proposed project will disturb less than 100,000 square feet of area.

2019-03717 2 V LONDONDERRY LLC

LONDONDERRY Unnamed Wetland

Requested Action:

Dredge and fill 690 square feet (SF) of palustrine forested wetland in order to construct an access road to a proposed commercial development.

****

APPROVE PERMIT
Dredge and fill 690 square feet (SF) of palustrine forested wetland in order to construct an access road to a proposed commercial development.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc. dated August 27, 2019, and revised through January 31, 2020, as received by the NH Department of Environmental Services (NHDES) on February 11, 2020.

2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

3. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

4. Work shall be done during low flow and in dry conditions.

5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

6. Erosion control products shall be installed per manufacturers recommended specifications.

7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

8. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.

9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

11. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

12. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

15. Area of temporary impact shall be regraded to original contours following completion of work.

16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(f) as this project involves less than 3,000 square feet of impact to palustrine forested wetland.

2. This project involves the construction of an access road to a proposed commercial development that includes a gas station/convenience store and a bank.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03 as the impacts will provide a shared access from the main road to the two commercial properties, the driveway side slopes have been reduced to 3:1 in order to limit the amount of fill within wetlands required, and the driveway side slopes will be stabilized with vegetation.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The NHDES Wastewater Engineering Bureau issued a Sewer Connection Permit (#D2019-1201) for the proposed development on January 08, 2020.

6. In a letter dated October 22, 2019, and received by NHDES on October 28, 2019, the New Hampshire Department of Historical Resources (DHR) stated that they concur with the findings of the Phase 1-A survey, recommending no further study and concluding that no historic properties will be affected by the proposed project.

7. In a review letter dated September 12, 2019, and received by NHDES on December 02, 2019, the NH Natural Heritage Bureau (NHB) stated that there was no record of a sensitive species in the vicinity of the proposed project.

8. In an email dated December 18, 2019, the Londonderry Conservation Commission expressed concerns regarding the location of the proposed driveway off of NH Route 28 and requested that either the commercial development be accessed solely from Symmes Drive or the driveway be shifted east and the buildings rearranged to completely avoid the wetland impact.

9. In a response letter dated January 30, 2020, and received by NHDES on February 11, 2020, the authorized agent for the applicant provided justification for the inclusion of the proposed, shared driveway off of NH Route 28 as well as justification for the proposed location of the shared driveway citing public safety concerns and practicability.

10. NHDES finds that in their response letter dated January 30, 2020, the applicant has fully addressed the concerns of the Londonderry Conservation Commission.

11. As of March 05, 2020, no comments of concern have been received by NHDES from abutters.

X-EMERGENCY AUTHORIZATION

****

2017-01647 LEBANON, CITY OF

LEBANON Unnamed Stream

Requested Action:

Repair and stabilize a road shoulder washout and rebuild a damaged culvert headwall and guardrail.

****

CONFIRM EMERGENCY AUTHORIZATION
Repair and stabilize a road shoulder washout and rebuild a damaged culvert headwall and guardrail.

2019-02310 **HUSSY KARKHECK, JUDY**
KARKHECK, MICHAEL

GROTON Unnamed Stream

Requested Action:

Remove stone and boulder blockages in stream channel and stabilize approximately 45 linear feet along the eastern bank with natural river stone following the July 11, 2019 flood.

****

CONFIRM EMERGENCY AUTHORIZATION
Remove stone and boulder blockages in stream channel and stabilize approximately 45 linear feet along the eastern bank with natural river stone following the July 11, 2019 flood.

SHORELAND STANDARD
****

2015-00379
MARANGIELLO, DONATO

ALTON LAKE WINNIPESAUKEE

Requested Action:

Request permit time extension to impact 9,544 sq ft in order to construct a new house, shed, effluent disposal system, patio, and a pathway to the water.

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APPROVE TIME EXTENSION
Impact 9,544 sq ft in order to construct a new house, shed, effluent disposal system, patio, and a pathway to the water.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated January 13, 2015 and received by the NH Department of Environmental Services (DES) on February 19, 2015.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. No more than 8.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. At least 2,543 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.

2. This permit has been extended in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.

2019-00027 SAMONAS REALTY TRUST

RYE TIDAL/FRESHWATER MARSH/PARSONS CREEK

Requested Action:

The Applicant requested the permit by amended to remove one primary structure, add patios, relocate the driveway, reconfigure the driveway, parking area, and access, and reflect other landscaping changes.

****

APPROVE AMENDMENT

Impact 36,630 square feet of protected shoreland outside the tidal buffer zone (as defined per rule Env-Wt 602.52) in order to remove existing buildings and accessory structures, construct three new primary structures, a driveway (including pervious segments), parking areas, patios, and other site improvements.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc., revised through January 3, 2020, and received by the NH Department of Environmental Services (NHDES) on February 20, 2020.

2. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

3. Neither the new primary structures nor the proposed septic systems may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.

4. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

5. No more than 12.31% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. The proposed drip line infiltration trenches shall be installed and maintained to effectively absorb and infiltrate stormwater.

11. Photographs documenting the construction of the proposed drip line infiltration trenches shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structures.

12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00225 LIGHTBOWN, DONNA

MOULTONBOROUGH

Requested Action:

Impact 17,590 square feet of protected shoreland in order to remove a primary structure, a cabin, and a shed to construct a primary structure with a terrace, 2 porches, an attached garage, and 2 walkways, construct a driveway, construct a barn, and install a septic system.

****

APPROVE PERMIT
Impact 17,590 square feet of protected shoreland in order to remove a primary structure, a cabin, and a shed to construct a primary structure with a terrace, 2 porches, an attached garage, and 2 walkways, construct a driveway, construct a barn, and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by Kellogg Surveying & Mapping, Inc. dated January 2020 and received by the NH Department of Environmental Services (NHDES) on February 19, 2020.

2. Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.

3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into

areas in which impacts have not been approved.

4. No more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

5. Native vegetation within an area of at least 9,562 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00239 EAM PETERBOROUGH HOLDINGS LLC

PETERBOROUGH CONTOOCOOK RIVER

Requested Action:

Impact 4,638 square feet of protected shoreland in order to construct a primary structure with stormwater management.

****

APPROVE PERMIT
Impact 4,638 square feet of protected shoreland in order to construct a primary structure with stormwater management.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land Consultants, PLLC dated February 7, 2020 and received by the NH Department of Environmental Services (NHDES) on February 11, 2020.

2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into

areas in which impacts have not been approved.

3. No more than 24.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. The proposed catch basin shall be installed and maintained to effectively divert stormwater to the sewer system.

9. Photographs documenting the construction of the proposed catch basin shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

13. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00259 DEMOS FAMILY 2013 REVOCABLE TRUST

HAMPTON ATLANTIC OCEAN

Requested Action:

Impact 2,500 square feet of protected shoreland in order to remove the detached garage and primary structure decks to construct an addition to the primary structure with a new deck and an attached garage, and replace a portion and extend the driveway with pervious materials.

****

APPROVE PERMIT
Impact 2,500 square feet of protected shoreland in order to remove the detached garage and primary structure decks to construct an addition to the primary structure with a new deck and an attached garage, and replace a portion and extend the driveway with pervious materials.

With Conditions:

1. All work shall be in accordance with plans by Anne W. Bialobrzeski dated February 6, 2020 and received by the NH

Department of Environmental Services (NHDES) on February 14, 2020.

2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

3. No more than 60.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the

growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

12. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

SEASONAL DOCK SPN

****

2020-00340 HANSON, MEGHAN DOUGLAS

CROYDON ROCKY BOUND POND

Requested Action:

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Rocky Bound Pond in Croydon.

****

COMPLETE NOTIFICATION
Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Rocky Bound Pond in Croydon.

2020-00380 **CCK LLC**

ASHLAND LITTLE SQUAM LAKE

Requested Action:

Disqualification of the seasonal dock notification, existing docking structure along frontage.

****

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN
Disqualification of the seasonal dock notification, existing docking structure along frontage.

FORESTRY SPN
****

2020-00376 **DRYKI LLC**

CONWAY Unnamed Stream

****

COMPLETE NOTIFICATION
CONWAY; TAX MAP# 244; LOT# 17

2020-00377 **CEDAR STUMP LLC**

CONWAY Unnamed Stream

****

COMPLETE NOTIFICATION
CONWAY; TAX MAP# 244; LOT# 16

2020-00387 **ELFAR, EDWARD**

LACONIA Unnamed Stream

****

COMPLETE NOTIFICATION

LACONIA; TAX MAP# 141; LOT# 252-1

2020-00398 **FADDEN, TOM**
WHITAKER, HAROLD

ALBANY Unnamed Stream

****

COMPLETE NOTIFICATION
ALBANY; TAX MAP# 6; LOT# 104

2020-00427 **MACCRATE, MICAHEL**

LONDONDERRY Unnamed Stream

****

COMPLETE NOTIFICATION
LONDONDERRY; TAX MAP# 15; LOT# 43

TRAILS SPN
****

2020-00403 **TOWN OF NOTTINGHAM**

NOTTINGHAM Unnamed Stream

Requested Action:
Install one bog bridge over an intermittent stream and stepping stones in four individual locations.

****

UTILITY SPN
****

2020-00379 **EVERSOURCE ENERGY**

HOPKINTON Unnamed Stream

****

COMPLETE NOTIFICATION
Utility pole replacement.

2020-00383 EVERSOURCE

RYE Unnamed Stream

****

COMPLETE NOTIFICATION
Replace a single utility pole.

EXP - EXPEDITED TIMELINE
****

2020-00198 FADDEN WHITAKER PARTNERS

EFFINGHAM Unnamed Wetland

Requested Action:

Dredge and fill 700 square feet of palustrine forested wetlands and install a 15 inch diameter by 40 foot long culvert to construct a shared driveway for access to 2 proposed residential lots.

****

APPROVE PERMIT
Dredge and fill 700 square feet of palustrine forested wetlands and install a 15 inch diameter by 40 foot long culvert to construct a shared driveway for access to 2 proposed residential lots.

With Conditions:

1. In accordance with Rule Env-Wt 307.16 and Env-Wt 524.05(b), all work shall be done in accordance with the approved plans dated October 2019 by Paul L. King, as received by the NH Department of Environmental Services (NHDES) on February 05, 2020.

2. In accordance with Env-Wt 524.05(a), residential development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.

3. In accordance with Env-Wt 310.03(a), no other work shall be done on the subject property pursuant to another expedited permit (EXP) or a statutory permit-by-notification (SPN) for a period of 12 months from the date the EXP was issued unless the property owner submits information, including a plan, to demonstrate that the proposed work is wholly unrelated to and separate from the work already done under the EXP or SPN; and the proposed work and the work already done under the EXP or SPN do not, when combined, constitute a project for which a standard permit is required.

4. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).

5. All dredging activities shall meet all of the conditions listed in Rule Env-Wt 307.10(a) through (n).

6. All temporary and permanent filling activities shall meet all of the conditions listed in Rule Env-Wt 307.11(a) through (l).

7. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.

8. In accordance with Env-Wt 307.15(a), heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit.

9. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.

10. In accordance with Env-Wt 310.03(b), the work shall comply with all applicable conditions specified in Env-Wt 307.

With Findings:

1. This is classified as a minimum impact project per Rule Env-Wt 407.03(a), Env-Wt 524.06(a) and (b), as impacts to jurisdictional areas other than a watercourse are less than 3,000 square feet (SF), the project meets all of the criteria for a residential development, and the project meets all of the criteria to construct a new subdivision of 3 lots or less.

2. Per Rule Env-Wt 313.03(a), the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.

3. The residential development project meets the all of the approval criteria established in Env-Wt 524.02.

4. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.

5. Per Rule Env-Wt 310.01(h), the application for this expedited permit (EXP) included a signed statement from the municipal conservation commission certifying that the conservation commission waives its right to intervene on the project.

6. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) and the Natural Heritage Bureau (NHB) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.

7. Per Rule Env-Wt 311.06(j), the applicant has not received comments from any federal agency.

8. Per Rule Env-Wt 313.01(a)(2), all applicable conditions specified in Env-Wt 307 have been met.

9. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 400 and Env-Wt 500 have been met.

10. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 500 have been met.

SMALL MOTOR MINERAL DREDGE

****

2020-00143 **COTTER, PAUL**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
286 UNION RD, DALTON, CUSHMAN BROOK; RTE 112, BATH, WILD AMMONOOSUC

2020-00187 **SWORAB, TIMMOTHY**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
Small Motor Mineral Dredge

2020-00305 **PORTH, BODO**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
US 302 & ROUTE 112, BATH, WILD AMMONOOSUC RIVER

2020-00384 **RICE, JOHN**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
RTE 112, BATH, WILD AMMONOOSUC; RTE 3, PITTSBURG, EAST BRANCH INDIAN STREAM; RTE 118, RUMNEY, BUFFALO CREEK & BAKER RIVER

2020-00386 **SARAMA, MARCIA**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
RTE 112, BATH, WILD AMMONOOSUC RIVER; RTE 3, PITTSBURG, EAST BRANCH INDIAN STREAM; RTE 118, RUMNEY, BUFFALO CREEK & BAKER RIVER.

2020-00419 **DUPRE, MICHAEL**

(ALL TOWNS) Unnamed Stream

****

COMPLETE NOTIFICATION
RTE 302, BATH, AMMONOOSUC RIVER; RTE 112, CONWAY, SWIFT RIVER; RTE 26, KIDDERVILLE, MOHAWK RIVER

WETLAND PBN
****

2020-00321 DALMASS, CHRISTOPHER/KELLY

GILFORD LAKE WINNIPESAUKEE

Requested Action:

Repair 60 linear feet of natural rocky shoreline, stairs and a seasonal dock anchoring structure.

****

PBN DISQUALIFIED
Repair 60 linear feet of natural rocky shoreline, stairs and a seasonal dock anchoring structure.

With Findings:

1. The applicant proposed excavation and repair of the natural rocky shoreline as part of the scope of the project. Excavation and stabilization of the natural shoreline is not specified under Env-Wt 309.06, Availability of Permit-by-Notification (PBN), therefore the notification has been rejected.

2020-00371 GREAT RIVER HYDRO LLC

LITTLETON CONNECTICUT RIVER

Requested Action:

Impact 456 square feet along 42 linear feet of the Connecticut River in order to repair an existing boat launch.

****

PBN IS COMPLETE
Impact 456 square feet along 42 linear feet of the Connecticut River in order to repair an existing boat launch.

With Conditions:

1. All work shall be done in accordance with plans by Stantec dated February 4, 2019, as received by the NH Department of Environmental Services (NHDES) on March 2, 2020 as required pursuant to Env-Wt 307.16.

2. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to

protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

3. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).

4. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and shall be removed upon completion of work and the effective restabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).

5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas and such that there are no discharges in or to fish or shellfish spawning or nursery areas during spawning seasons as

required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

7. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 513.24(a)(2), for the repair of an existing legal structure.

2020-00373 GREAT RIVER HYDRO LLC

LITTLETON CONNECTICUT RIVER

Requested Action:

Dredge and fill 1032 square feet of the Connecticut River (impacting 12 linear feet) to replace the ties of an existing boat launch.

****

PBN IS COMPLETE
Dredge and fill 1032 square feet of the Connecticut River (impacting 12 linear feet) to replace the ties of an existing boat launch.

With Conditions:

1. All work shall be done in accordance with plans by Stantec dated February 4, 2019, as received by the NH Department of Environmental Services (NHDES) on March 2, 2020 as required pursuant to Env-Wt 307.16.

2. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

3. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials;

and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).

4. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and shall be removed upon completion of work and the effective restabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).

5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas and such that there are no discharges in or to fish or shellfish spawning or nursery areas during spawning seasons as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

7. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 513.24(a)(2), for the repair of an existing legal structure.